

BYLAW 780

A BYLAW TO PROVIDE FOR THE LICENSING, REGULATING AND GOVERNING OF DIRECT SELLERS AND DIRECT SALES IN THE TOWN OF DAVIDSON

The Council of the Town of Davidson in the Province of Saskatchewan enacts as follows:

1. **Title**

This bylaw may be cited as the ***Business Licensing Bylaw***.

2. **Definitions and Interpretation**

Interpretation:

Whenever in this bylaw the following words or terms are used, they shall be held to have the following meaning, unless the context provides for otherwise:

- a) **Administrator** – shall mean the Town Administrator for the Town of Davidson and anyone acting as such during the absence of the Town Administrator from duty for any cause;
- b) **Bylaw Enforcement Officer (BEO)** – shall mean the Bylaw Enforcement Officer for the Town of Davidson and anyone acting as such during the absence of the Bylaw Enforcement Officer from duty for any cause.
- c) **Contractor** – shall mean vendor who offers for sale or solicits orders for:
 - i) constructing, altering, renovating, maintaining, repairing, adding to or improving a building that is used or is to be used as a house by the owner, occupier or person in control of it; or
 - ii) altering, maintaining, or improving real property to be used in connection with a house;
 - iii) providing services to individuals or businesses on a mobile basis (ie: carpet cleaning, property maintenance, vehicle detailing).
- d) **Direct Seller** - shall mean a person who:
 - i) goes from house to house selling or offering for sale, or soliciting orders for the future delivery of goods or services;
 - ii) by telephone offers for sale or solicits orders for the future delivery of goods or services; or
 - iii) does both of the things mentioned in subclauses (i) and (ii);
- e) **Home Based Business or Home Occupation** – An occupation, trade profession or craft customarily conducted entirely within a residential building, as listed in Schedule “C”, and carried on by the inhabitants thereof, which is clearly incidental and secondary to residential use of the dwelling and does not change the exterior character.
- f) **License Inspector** – the person appointed by the Council of the municipality to the office of License Inspector **or** the municipal administrator or his designate;
- g) **Municipality** – shall mean the Town of Davidson;
- h) **Peace Officer** – shall mean the officer on duty of the RCMP, Craik Detachment and anyone acting as such during his/her absence from duty for any reason;
- i) **Salesperson** - means a person who:
 - i) goes from house to house selling or offering for sale, or soliciting orders for the future delivery of goods or services;
 - ii) by telephone offers for sale or solicits orders for the future delivery of goods or services; or
 - iii) does both of the things mentioned in sub clauses i) and ii).

3. **Application for License**

A direct seller or a direct sales contractor or a salesperson must apply in writing to the Municipality for a license before commencing business.

An application must include the following information:

- i) name and address of applicant;
- ii) the Provincial direct sales vendor license number;
- iii) a copy of his/her provincial direct sellers license or the approved identification card provided to him/her by the vendor pursuant to Section 10.1 of *The Direct Seller's Act*;
- iv) the nature of the business for which the license is required; and
- v) the place where the business is to be carried on.

4. **Issuance of License**

- a) All licenses required under the provisions of this bylaw shall be issued by the License Inspector, except where Council reserves to itself the right to decide whether a license shall be issued or not.
- b) Where the License Inspector refuses to issue any license, he shall forthwith submit the application for license together with a report thereon to the Council and advise the applicant of the date on which the Council consider the application.
- c) A license will not be issued under this bylaw to any person required by law to obtain a provincial license, until the person has first produced the required provincial license to the municipality.
- d) Any license issued under this bylaw without the person first obtaining the required provincial license is invalid.
- e) The license shall be in the form prescribed by the municipal administrator.

5. **Duration of License**

- a) Every license issued under this Bylaw, unless specifically mentioned to be issued for a shorter period or sooner forfeited, shall expire on the 31st day of December of the year in which the said license was issued.
- b) Where the license is issued on or after July 1st in any year, the license fee shall be reduced by 50%.

6. **License Required**

- a) No person shall carry on business as a direct seller or a direct sales contractor or a salesperson in the municipality without a license.
- b) A direct seller or a direct sales contractor or a salesperson must pay the fee provided for in Schedule A when applying for a license.
- c) A direct seller or a direct sales contractor or a salesperson will not be issued a license until the fee outlined in subsection (b) has been paid.
- d) A direct seller or a direct sales contractor or a salesperson must renew their license annually in the manner prescribed by the municipality.
- e) A direct seller or a direct sales contractor or a salesperson must pay the fee provided for in Schedule A when renewing the license.
- f) A home based business that advertises via print media, social media must pay the fee provided for in Schedule A when applying for a license.

7. **License Not Required**

This bylaw shall not apply to a person who:

- a) is an employee of a person licensed pursuant to this bylaw;
- b) owns and operates a store front business, or
- c) is a person described in Subsection 4(2) of *The Direct Seller's Act*.

8. **Revocation of License**

The Council may by resolution suspend or revoke any license granted under the provisions of this bylaw and where such license is revoked, the licensee shall be entitled to a refund of that part of the license fee proportioned to the unexpired term for which it is granted.

9. **Offences and Penalties**

- a) Any person operating as a direct seller or a direct sales contractor or a salesperson that fails, neglects, or refuses to comply with any of the provisions of this bylaw shall be guilty of an infraction of this bylaw.
- b) Any person guilty of any infraction to any of the provisions of this bylaw shall, upon summary conviction, be liable to a fine in accordance with Schedule "B" of this bylaw.

10. **Repeal**

Bylaw No. 778 is hereby repealed.

11. **Coming into Force**

This bylaw shall come into and take effect upon final passing.

Tyler Alexander, Mayor

(S E A L)

Gary Edom, Administrator

Read a third time and adopted
this 16th day of January, 2018

Gary Edom, Administrator

**Schedule “A”
to Bylaw 780**

SCHEDULE OF FEES

Annual – Home-Based businesses	\$ 50
Annual – Contractors	\$ 250
Annual – Self Employed Contractors (no employees)	\$ 100
Annual – Direct Sellers	\$ 100
Annual – Transient Traders	\$ 100

**Schedule “B”
to Bylaw 780**

SCHEDULE OF OFFENSES

Conducting a business without a license ¹	\$ 100
Conducting business activity from a premises not identified on license	\$ 100
Conducting business without renewal	\$ 200
Failing to post license	\$ 100
Failing to produce license upon request by authorized personnel	\$ 100
Advertising or promoting a business without a license	\$ 200
Providing false or misleading information to the Town	\$ 500
Providing false or misleading information to Bylaw Enforcement	\$ 500

¹ for first summary offense; second and third offenses are subject to additional \$ 100 for each subsequent offence.

Schedule “C” to Bylaw 780

Home Based Businesses or Occupations include, but are not limited to, the following:

- Accountant
- Appliance Repair
- Unlicensed Daycares
- Book keeping services
- Bicycle Repair
- Computer/electronics repair/sales/service
- Consultant Services
- Desktop Publishing
- Financial Planner
- Insurance Sales and Service
- Jewelry Design/Repair/Sales
- Laundry Service
- Lawyer
- Massage Therapist
- Music Teacher
- Pet Groomer
- Photographer
- Picture Framer
- Private Personal Care Home
- Real Estate Appraiser
- Real Estate Agent
- Repairman
- Seamstress/Dressmaker/Tailor
- Sign Painter
- Small Engine/Equipment Repair
- Taxidermy
- Travel Agent